

### **REMARKS**

Claims 1-20 are all the claims pending in the application. By this Amendment, Applicant amends claims 1, 2, 6, 7, 16, 18, and 20 to further clarify the unique features set forth therein and for conformity therewith. Claim 5 is cancelled without prejudice or disclaimer. Applicant also adds claims 21 and 22, which are clearly supported throughout the specification *e.g.*, Figs. 1 and 2; ¶¶ 9, 15, 16, and 60 of the specification.

#### **I. Preliminary Matter**

As a preliminary matter, Applicant thanks the Examiner for initialing the references listed on form PTO/SB/08 submitted with the Information Disclosure Statement filed on September 10, 2009.

#### **II. Summary of the Office Action**

The Examiner withdrew the previous grounds of rejecting the claims. The Examiner, however, found new grounds for rejecting the claims. Claims 1-5, 7, 9, and 20 are rejected under 35 U.S.C. § 102(e) and claims 6, 8, and 10-19 are rejected under 35 U.S.C. § 103(a).

#### **III. Prior Art Rejections under 35 U.S.C. § 102**

*Claims 1-5, 7, 9, and 20 are rejected under 35 U.S.C. § 102(e) as being anticipated by Yamamoto (US 7,302,696), hereinafter referred to as "Yamamoto" and claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto, and further in view of Peckover (US 6,119,101), hereinafter referred to as "Peckover".* Applicant respectfully traverses these grounds of rejections at least in view of the following exemplary comments.

Of these rejected claims, only claim 1 is independent. Independent claim 1 *inter alia* recites: “an advertising information retriever configured to process a user search received via the digital broadcast channel of the television network, and to retrieve the advertising information from said data gateway based on the user search; wherein the user search is an advertiser search command that comprises at least a category of advertising, and wherein the advertising information retriever retrieves the advertising information for a local area of the user based on the search command unless the search command includes a designation of a geographic location.”

In the past, advertisers who wanted to provide advertising content to consumers had to provide it to the television broadcasters in a form already adapted to be transmitted. Also, in the past, set-top boxes began to permit the user to have some increased control over the type of programming to be viewed. As time progressed, some programs were provided together with advertising content, and the user could interact with the embedded advertising content, even using the set-top box software. Even so, there has not previously been a system that provided: easy submission and modification of the advertising content by the advertiser, and easy access to just requested information by the user. The prior systems were characterized by the advertiser being responsible for adapting the advertising content.

In an exemplary embodiment, the advertising is provided in the form of a type of interactive “yellow pages” channel where the user can search for what the user wants, and where the content is keyed off of the user’s location or the user’s specified location. That is to say, the advertising content is provided on a particular channel or overlay of the television network. In

other words, a dedicated channel or overlay is provided for yellow page services (§§ 27, 43, and 45 of the specification). The advertising is provided in a form of a directory book listing all local businesses. By default, the user will simply select the business category and a local business will be provided. The geographic location needs to be specified only when the user desires to obtain information about a business outside of his area (§ 53).

It will be appreciated that the foregoing remarks relate to the invention in a general sense, the remarks are not necessarily limitative of any claims and are intended only to help the Examiner better understand the distinguishing aspects of the claim mentioned above.

Yamamoto only describes an interactive coupon channel. In Yamamoto, a user watching television can be presented with a coupon related to the content of a television program the user is watching. If indication of the user's interest in the coupon is received, the interactive coupon channel can be displayed, and the user can be presented with options for using the coupon (col. 2, lines 21 to 28). Specifically, Yamamoto describes that the user is not limited to finding a coupon by browsing or searching categories. The interactive coupon channel 502 offers the search prompt 506. In Yamamoto, the search prompt 506 allows a user to enter a keyword to find a coupon. An example of a keyword might be a store name, a product name, or any other word associated with a product, service or merchant. Once the search is conducted, the results can be displayed showing a listing of banner ads with the name of the merchant and the corresponding discount (col. 7, lines 54 to 63).

In short, Yamamoto simply describes search for a coupon and not advertising information. In addition, Yamamoto does not disclose or even remotely suggest yellow pages,

where in response to user search command, local listings are provided. That is, Yamamoto does not disclose or suggest that retrieving the advertising information for a local area of the user based on the search command unless the search command includes a designation of a geographic location.

The Examiner appears to acknowledge that Yamamoto does not disclose or suggest the location aspect of the search, as set forth in original claim 6 (*see* page 11 of the Office Action). The Examiner, however, appears to allege that Peckover cures these deficiencies. Applicant respectfully disagrees.

Peckover describes a system for electronic commerce (10) having personal agents (12 and 13) that represent consumers and providers in a virtual marketplace (28). Consumer personal agents conceal the identity of the consumer and are capable of creating decision agents (14) that shop for products and assist consumers in comparing and ranking products. Provider personal agents are capable of creating demand agents (16) that quantify demand and target specific consumers without learning the identity of the consumers. Based on data generated by the activities of the decision agents and on preference data maintained by consumer personal agents, provider personal agents can quantify current, historical, and future demand, simulate demand, and target specific consumers for advertising and other messages (*see* Abstract).

Specifically, Peckover describes major consumer uses of Agent System 10 is to assist a consumer in locating information about a product that is advertised for sale. It need not be possible for the consumer to carry out the actual purchase within Agent System 10; it is only necessary that products be advertised within the system. In Peckover, the consumer specifies

that a product search is desired, which invokes Decision Agent Manager 60 (step 226) to supervise the subsequent steps. A Compose Decision Query subroutine of Decision Composer 74 is called to assist the consumer in composing the query for the desired product (step 228). If the consumer wishes to specify a search that is similar to a previously performed search, Decision Agent Archive 80 displays a list of search queries from expired Decision Agents from which the consumer may select (steps 242-246). Decision Composer retrieves the Product Template mentioned in the selected Decision Agent, and also the current instructions, from the Market mentioned in the selected Decision Agent (step 248). The search criteria (values) from the expired Decision Agent are used to initialize the new search criteria (step 250). If the consumer alternatively wishes to specify an entirely new search, the consumer selects a Market 18 in which to search (step 252). If the consumer is authorized for the restricted Market, or if the Market is not restricted, the consumer selects a product for which to search (step 262). Decision Composer 74 retrieves Product Template and instructions from the Market's Template Dispenser 134 (step 264). At this point Decision Composer 74 arranges to format and display the Product Template and the instructions (step 266). The consumer, following the instructions, completes the search criteria in the Product Template (step 268). When the consumer's interface is a Web browser, the Product Template is typically displayed as a combination of fill-in fields, selection lists, radio buttons, etc. as illustrated in the sample screens of FIG. 40 (searching for consumer electronics) and FIG. 41 (searching for automobiles) (Figs. 11 and 12; col. 27, line 51 to col., 29, line 40) or searching for a television set (Fig. 42)..

In other words, Peckover only describes a conventional web search. That is, it is completely unrelated to using a television channel to find a product. Instead, with respect to television, Peckover describes that consumers frequently rely on ephemeral television and radio advertisements to learn of products and special promotions. But these ads seldom arrive when the consumer is ready to make a selection (*i.e.*, the ads are provided via *push* basis). Television and radio spots, billboards, street corner kiosks, the daily newspaper, direct mail coupon packages, in-store merchandise displays, magazine advertisements and inserts, posters on and in mass transportation vehicles, storefront banners--these advertisements and a host of others vie for the consumer's attention daily. Consumers have little or no control over the timing or presentation of advertising. They can't arrange to receive information at a convenient time (col. 2, lines 25 to 41). Accordingly, instead of using television ads, Peckover proposes using Internet search ads. In short, Peckover clearly teaches away from providing commercials via television.

In addition, the proposed combination is unworkable and inoperable. Peckover is unrelated to television advertising (as explained above) and is nothing more than an online Internet system. In other words, one of ordinary skill in the art could not and would not apply the online Internet system of Peckover to a television providing coupon system of Yamamoto. A television network has different protocols, transmission channels, and so on. The two cannot be validly combined in a manner suggested by the Examiner.

Also, Peckover clearly does not disclose or even remotely suggest the location, as set forth in claim 1. Specifically, Peckover describes that when the consumer's interface is a Web browser, the Product Template is typically displayed as a combination of fill-in fields, selection

lists, radio buttons, etc. as illustrated in the sample screens of FIG. 40 (searching for consumer electronics) and FIG. 41 (searching for automobiles). One of the fields simply specifies where the stores are provided that carry the product. Nowhere, however, does Peckover describe retrieving the advertising information for a local area of the user based on the search command unless the search command includes a designation of a geographic location. In short, Peckover does not cure the above-identified deficiencies of Yamamoto.

For at least these exemplary reasons, claim 1 is patentable over Yamamoto in view of Peckover. Accordingly, Applicant respectfully requests the Examiner to withdraw this rejection of claim 1 and its dependent claims 2-5, 7, 9, and 20.

*Claims 10, 11, 13, 14, 16, 17, and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller (US 2003/0040970), hereinafter referred to as "Miller" in view of Yamamoto.* Applicant respectfully traverses these grounds of rejections at least in view of the following exemplary comments.

Of these rejected claims, only claims 10 and 16 are independent.

Independent claim 10 *inter alia* recites: "a cable content generator configured to process the content information received by said advertiser interface and to generate advertising information adapted for transmission over the cable network." The Examiner contends that Miller describes the above-noted unique features in ¶ 5 (see page 6 of the Office Action). Applicant respectfully disagrees.

In an exemplary, non-limiting embodiment, the advertiser provides content information via Internet. Based on this information, the advertising is automatically generated and converted

to a format acceptable for the cable network (Fig. 1; ¶ 24). It will be appreciated that the foregoing remarks relate to the invention in a general sense, the remarks are not necessarily limitative of any claims and are intended only to help the Examiner better understand the distinguishing aspects of the claim mentioned above.

Miller, however, relates to an Internet system in which the merchant website permits non-expert user to create categorized and fully searchable text ads for Internet (*see* Abstract and ¶ 3). Specifically, Miller describes that certain existing websites offer the ability for a merchant to compose and submit text-only ads. Other sites (not necessarily the same sites) offer a means to upload ad text and/or ad graphics after ads are created offline in a specified format using whatever offline software packages the advertiser has available. These sites then permit the user to transfer the resulting files to the website for further processing by the website before the ad is scheduled and actually appears. However, Miller notes that no presently known website allows all of these tasks to be accomplished entirely through interactions with the tools provided on the website itself. Thus, in Miller, by means of easily manipulated user interface elements available on the Merchant Site's pages displayed in a standard Internet browser, the merchant can compose, schedule, submit and monitor classified ads. In addition, rather than requiring significant additional processing of files to verify they are in correct format and subsequent processing prior to the actual display of ads on existing websites, the use of the integrated suite of tools of the system assures the preparation and submission of ads in correct format and enables the ads to be inserted automatically by the system and displayed correctly during their scheduled run dates (Fig 1; ¶¶ 5 and 10).



In other words, Miller only describes creating HTML pages for presentation on a website (§ 48). Miller does not disclose or suggest or even remotely suggest converting the generated content information for transmission “over the cable network.” In the rejection, the Office Action appears to disregard the fact that the content is generated for the cable network or satellite network (*see* page 6 of the Office Action). That is, Miller does not disclose or suggest converting the content generated on the Internet to the format of a television network that includes the cable network and the satellite network.

Yamamoto is only cited for its disclosure of user searching for coupons in a television network and as such does not cure the above-identified deficiencies of Miller.

Therefore, “a cable content generator configured to process the content information received by said advertiser interface and to generate advertising information adapted for transmission over the cable network,” as set forth in claim 10 is not suggested by the combined disclosures of Miller and Yamamoto, which lack generating advertising information in a format adapted for transmission over the cable network. For at least these exemplary reasons, claim 10 is patentable over Miller in view of Yamamoto. Accordingly, Applicant respectfully requests the Examiner to withdraw this rejection of claim 10 and its dependent claims 11, 13, and 14.

Claim 16 recites features similar to the features argued above with respect to claims 1 and 10. Accordingly, claim 16 is patentable for at least analogous exemplary reasons. Therefore, Applicant respectfully requests the Examiner to withdraw this rejection of claim 16 and its dependent claims 17 and 19.

*Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto in view of Finseth et al. (US 2009/0193458), hereinafter referred to as "Finseth", claims 12 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller and Yamamoto in view of Peckover, and claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller and Yamamoto in view of Finseth. Applicant respectfully traverses these grounds of rejections at least in view of the following exemplary comments.*

Claims 8, 12, 15, and 18 depend on claim 1, 10, or 16. Applicant has already demonstrated that Yamamoto in view of Peckover, and Miller do not meet all the requirements of independent claims 1, 10, and 16. Finseth is relied upon only for its alleged disclosure of a report (*see* pages 12 and 16 of the Office Action) and as such fail to cure the deficient disclosures of Yamamoto, Miller, and Finseth. Together, the combined teachings of these references would not have (and could not have) led the artisan of ordinary skill to have achieved the subject matter of claims 1, 10, and 16. Since claims 8, 12, 15, and 18 depend on claim 1, 10, or 16, they are patentable at least by virtue of their dependency.

#### IV. New Claim

In order to provide more varied protection, Applicant adds claims 21 and 22, which are patentable by virtue of their dependency and for additional features set forth therein.

#### V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

  
Nataliya Dvorson  
Registration No. 56,616

WASHINGTON OFFICE

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